

**IN THE MATTER**

of the Sale and Supply of Alcohol  
Act 2012

**AND**

**IN THE MATTER**

of an application by **Wanganui  
Stock Car and Speedway Club  
Incorporated** for a renewal of  
Club Licence pursuant to section  
127 of the Supply of Alcohol Act  
2012.

**BEFORE THE WHANGANUI DISTRICT LICENSING COMMITTEE**

The application for renewal of Club Licence (036/CLUB/002/2016.1) was publically advertised in the Whanganui Chronicle on the 11 and 18 March 2020. No objections were received.

No matters of opposition were raised under section 128 and 129 reports; therefore the matter is considered by the Whanganui District Licensing Commissioner on the papers contained in the full file provided by the secretary.

**Commissioner: Stuart Hylton**

**RESERVED DECISION OF THE WHANGANUI DISTRICT  
LICENSING COMMITTEE**

**1. Application**

**Wanganui Stock Car and Speedway Club Incorporated** made the application on the prescribed form received on 10 March 2020. A waiver was granted for the application not being made within the prescribed statutory timeframe.

The application for renewal of Club Licence is in relation to the clubs premises at Landguard Road, Whanganui.

The general nature of the business is that of a sports (stockcar) club. The Club has been licensed for a number of years. The sale and supply of alcohol is not the main focus of the club.

The renewal seeks to vary the current conditions of the licence to extend hours of operation to reflect club activities. The premise has not come to the notice of officials during the renewal period and there are no reports of opposition.

The complete file included –

- The application
- Supporting letter
- Floor plan
- Reports from Police, Medical Officer of Health and Inspector
- Club's Host Responsibility Policy
- Fire Evacuation Scheme letter of compliance from applicant
- Food / Drink list menu
- Copy of current licence
- Notice of renewal
- Copy of public advertisement and premise advertisement

## **2. Decision Making**

In considering this application for Club-Licence the licensing committee had regard to the criteria under section 131 and 105 of the Act.

### **Section 105/131 assessments:**

#### **(a) the object of this Act:**

The inspector notes that the applicant has supplied a Host Responsibility Policy stating the measures to be undertaken to ensure the responsible sale and supply of alcohol. There have been no issues raised concerning previous operations so if the policy is followed then compliance with the object of the Act should be able to be achieved.

#### **(b) the suitability of the applicant:**

The applicant is an incorporated society since 1977 and located on the current site for many years. The applicant has supplied the name of two certified managers for the licence. This is considered to be adequate to manage the licence.

The suitability of the applicant is not challenged.

#### **(c) any relevant local alcohol policy:**

The Whanganui LAP has been adopted and the Club's closing hours they have applied for under this application are outside the 12 midnight closing

time allowed for under the Policy. This matter will be addressed further under hours below.

Additionally the Policy has a discretionary condition relating to patronage exceeding 100 people at one time, a certified manager must be on duty. This condition has been agreed to by the applicant.

**(d) the days on which and the hours during which the applicant proposes to sell alcohol:**

The applicant previously had a complicated list of dates and hours in an attempt to cover most of the Clubs activities. The new hours applied for are:

- **Thursday to Sunday and all public holidays , between 6.00pm to 1.00am the following day,**

This is to cover the real eventuality of late racing and members not getting to the clubrooms till late in the night. Although this falls outside the LAP hours none of the agencies have made any opposition to the application and obviously have no issue with what is being asked for.

**(e) the design and layout of any proposed premises:**

Past CPTED assessments have not raised any issues. An existing floor plan layout appears to function satisfactorily.

**(g) whether the applicant is engaged in, or proposes on the premises to engage in, the provision of services other than those directly related to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which services:**

Currently the focus is on sport, namely speedway.

**(j) whether the applicant has appropriate systems, staff, and training to comply with the law:**

Previous operations have been satisfactory and therefore systems seem appropriate. The applicant has indicated staff have a good understanding of the Act.

**(k) any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made under [section 103](#). (see 3 below)**

**(s.131(1)(b))whether (in its opinion) the amenity and good order of the locality would be likely to be increased, by more than a minor extent, by the effects of a refusal to renew the licence:**

No issues raised and amenity and good order should not be compromised by the renewal of the licence.

**(s.131(1)(d)the manner in which the applicant has sold (or, as the case may be, sold and supplied), displayed, advertised, or promoted alcohol.**

No issues raised within file.

### **3 Reporting Agencies**

The following reports were received under section 103 and 129 of the Act and taken into account during the decision.

**3.1 Police** – No opposition within report received on 2nd May 2020.

**3.2 Medical Officer of Health** - Report received on 25<sup>th</sup> March 2020 of no opposition.

**3.2 Licensing Inspector** – Full report dated 11<sup>th</sup> May 2020. The inspector is satisfied the application is complete and has no opposition to the renewal application. The inspector notes the application does not comply with the LAP but is not opposed to the granting of the licence.

### **4 Conclusion**

Based on the evidence provided to me within the complete file, my assessment above of section 105/131 matters and the past operation of the premise/licensee, I conclude that the application meets the statutory criteria to be granted a renewal of Club-Licence under the Act for a period of three (3) years. In making this decision we have had regard to the LAP and the extended hours and decided that due to the agencies silence on the matter, no opposition registered to the application, that it is practical to grant the licence outside the LAP on this occasion balancing all risks. The LAP is not intended to cover all eventualities and this is one occasion where the licence should be granted outside the LAP and on its merits of application.

### **5 Decision**

The licence can be issued subject to the following conditions –

(a) The holder of a club licence must ensure that no alcohol is sold or supplied to any person for consumption on the premises unless the person is an authorised customer.

**An authorised customer**, in relation to premises a club licence is held for, means a person who—

- is a member of the club concerned; or
- is on the premises at the invitation of, and is accompanied by, a member of the club concerned; or
- is an authorised visitor

(b) The holder of a club licence must take all practicable steps to ensure that—

- there is at all times a secretary of the club; and
- within 10 working days of the appointment of a new secretary, the secretary of the appropriate licensing committee is told the name of the new secretary; and
- all proceeds from the sale of alcohol belong to the club

(c) The club must have for consumption on the premises, at all times when the club is open for the sale of alcohol, a reasonable range of non-alcoholic refreshments and low-alcohol beverages.

(d) Liquor may only be sold on the following days and during the following hours:

- **Thursday to Sunday and all public holidays , between 6.00pm to 1.00am the following day,**

(e) At all times when the premises are authorised to be open for the sale of alcohol, food of a range and style similar to that shown on any menu submitted or a range of snack foods in the nature of pies, sandwiches, filled rolls, pizzas and the like, must be conveniently available to all members and their guests and the availability of those foodstuffs must be notified to them by appropriate notices throughout the premises.

(f) The licensee must ensure that signs are predominantly displayed within the licensed premises detailing information regarding alternative forms of transport from the premises.

(g) The licensee must implement and maintain the steps proposed in the application for the licence aimed at promoting the responsible consumption of alcohol.

(h) The licensee and managers on duty must ensure that the provisions of the Act relating to the sale and supply of alcohol to prohibited persons are observed.

- (i) A certified manager must be on duty whenever patronage exceeds 100 people at one time.

The renewal application is **Approved** for issue immediately.

**Dated at Whanganui District this 29 June 2020.**

**Signed**



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**Stuart Hylton**  
**Whanganui District Licensing Commissioner**